

## LOUISVILLE METRO COUNCIL COMMITTEE SUMMARY

### Public Safety

Monday, June 4, 2007

5:05 P.M.

Third Floor, City Hall

**Present:**

**Chairman:** CM Kramer  
**Vice Chair:** CM Shanklin  
**Members:** CM Downard, CM Flood, CM Peden and  
CM Woolridge

**Absent:**

CM Green

**Special Items for Discussion:** NONE

Chairman Kramer announced the members and non-members of the committee that were present. A quorum was established.

### Pending Legislation

O-53-03-07 (S) AN ORDINANCE RE-ENACTING LOUISVILLE METRO CODE OF ORDINANCES (LMCO) SECTIONS 135.03, 135.04, 135.06, 135.44, 135.99(A) AND 135.99(C) REGARDING WEAPONS CONTROL AND REPEALING SECTIONS 135.01, 135.02, 135.20, 135.21, 135.22, 135.35, 135.36, 135.37, 135.38, 135.39, 135.40, 135.41, 135.42, 135.43, 135.99(B), AND 135.99(D).

**Status:** In Committee - Tabled

**Committee:** Public Safety

**Primary Sponsor:**

Kevin Kramer

Kelly Downard

Rick Blackwell

Motion to untable was made by Mary C. Woolridge and seconded by Madonna Flood

By unanimous vote, this item was untabled.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Kelly Downard, Barbara Shanklin, Kevin Kramer, James Peden, Mary C. Woolridge, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Judy Green

**Discussion:** The following was discussed:

- Definition of Air Gun
- Transport of Air or Paint Guns
- Police Department is ok with the changes

Motion to Amend as follows was made by James Peden and seconded by Barbara Shanklin.

- 135.03 AIR GUNS. It shall be unlawful within Jefferson County for any person to sell ~~or give to~~ any person under 18 years of age, or for any person under 18 years of age to possess, use, or discharge, any weapon from which a projectile, metal shot, or metal pellet is or may be propelled or discharged by compressed air or gas, commonly known as air rifles, air pistols, or BB guns. However, nothing contained in this section shall be construed as prohibiting any person under 18

~~years of age, when accompanied by his parent or guardian, from using or discharging any such weapon on any rifle range which is properly licensed and conducted and on which due provision has been made for the safety and protection of life and property, on real property which is under the control of an adult and has the permission of that adult and his or her parent or legal guardian to possess and discharge any weapon as described in this section.~~

- 135.04 SALE OR RENTAL OF CONCEALABLE WEAPONS BY MERCHANT OR DEALER TO MINORS PROHIBITED.

(B) It shall be unlawful for any person to give, lend, or otherwise transfer to any person under the age of 18 years any concealable firearms, air gun, sword, cane sword, umbrella sword, switch-blade, dart, stiletto, gravity knife, or any knife other than except where the relationship of parent and child, guardian and ward or adult with the permission of parent or guardian ~~instructor and pupil exists~~ and whenever any such person does transfer any such weapon to person under the age of 18 years the adult shall take all reasonable precautions to assure that the child does not harm the person or property of another by the malicious, negligent, or otherwise tortuous use of the weapon.

(C) It shall be unlawful for any person under the age of 18 years of age to carry any concealable firearms, air gun, sword, cane sword, umbrella sword, switch-blade, dart, stiletto, gravity knife, or any knife other than an ordinary pocket knife or any other instrument that could be used for cutting or stabbing in any of the streets, alleys, parks, boulevards, or other public property or schools in Jefferson County or in any dance hall, theater, amusement park, shopping mall, or other private property open to the public except that persons under the age of 18 years may be in possession of an air gun, sword, cane sword, umbrella sword, switch-blade, dart, stiletto, gravity knife, or any knife other than an ordinary pocket knife which are used or carried with the permission of the child's parent or adult guardian as a tool of honest work, trade, or business or sport or recreation when used or carried as equipment for such work, sport, or recreation when actively engaged therein or when traveling to or returning from such work, sport or recreation.

By unanimous vote, the amendment passed.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Kelly Downard, Barbara Shanklin, Kevin Kramer, James Peden, Mary C. Woolridge, Madonna Flood  
Against: (None)  
Abstain: (None)  
Absent: Judy Green

By unanimous vote, this ordinance as amended was sent to **Old Business**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Kelly Downard, Barbara Shanklin, Kevin Kramer, James Peden, Mary C. Woolridge, Madonna Flood  
Against: (None)  
Abstain: (None)  
Absent: Judy Green

O-111-04-07 (S) AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 95 OF THE LOUISVILLE METRO CODE OF ORDINANCES RELATING TO HAZARDOUS MATERIALS.

**Status:** In Committee - Tabled  
**Committee:** Public Safety  
**Primary Sponsor:**  
Cheri Bryant Hamilton

Kelly Downard  
Rick Blackwell

Motion to untable was made by James Peden and seconded by Mary C. Woolridge.

By unanimous vote, this item was untabled.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Kelly Downard, Barbara Shanklin, Kevin Kramer, James Peden, Mary C. Woolridge, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Judy Green

**Discussion:** Kim Allen, Director of Public Protection; Bill O'Brien, Assistant County Attorney; Marsha Jenkins, Legal Council for MSD; Doug Hamilton, Emergency Management Agency, Chief Gregory Frederick, Louisville Fire Department and Lisa Gaus, MSD were present to speak and answer questions. A handouts was given to the Committee Members ([attached](#))

The following was discussed:

- Section 95.01 - Purpose
- Section 95.02 - Applicability
- Section 95.03 - Definitions
  - Environment
  - Facility
    - Dry Dock - Coast Guard has jurisdiction when in the river but it becomes a facility when in Dry Dock
  - Hazardous Materials
  - Hazardous Materials Incident
    - Imminent threat - will be designated at that time
      - Reportable quantity
  - HMPC Plan – A Hazardous Materials Use and Spill Prevention Control Plan
  - Impervious Surface - outside a building
  - Navigable Water
  - Release, Authorized
    - Emissions permitted by the Louisville Metro Air Pollution Control District
    - Star Program
  - Responding Agency
  - Threatened Release
    - If rail cars are derailed – need to know if a car with a potential hazardous material is off the track where it is not suppose to be than not know
    - There 419 facilities in the Metro Area and they have safety processes but they can fail so notification should be done if process is failing or has failed
    - Evacuations – according to what chemicals were being transported
    - Evacuations of hospitals

Motion to Amend Sections 95.01 through 95.03 as follows was made by Kelly Downard and seconded by Mary C. Woolridge.

- Section 95.03 – Definitions
  - Hazardous Materials
    - (7) Any substance designated an extremely hazardous substance pursuant to Section 302(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA). The term does include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs of this definition, and the term does include, if stored, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas, or synthetic gas.) Hazardous materials shall include those contained in the most recent version of 40 CFR 302.4. "List of Hazardous Materials," which is included in an appendix Appendix

~~A to this ordinance, radioactive materials and isotopes, and explosives.~~  
Hazardous materials shall not include household wastes and other materials excluded by 40 CFR 261.4. ~~Hazardous materials shall not include any material which is a gas under standard temperature pressure except for purposes of reporting of releases pursuant to Sections 95.06(A) and (D).~~

- HMCP Plan
  - A Hazardous Materials Use and Spill Prevention and Control Plan, as set forth in Section 95.07.
- IMPERVIOUS SURFACE
  - A surface outside of a building which substantially reduces the rate of infiltration of liquids into the earth, including but not limited to asphalt and concrete roadways, ~~floors,~~ walks, and parking lots, but not including a closed containment vessel.

By unanimous vote, the amendment passed.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Kelly Downard, Barbara Shanklin, Kevin Kramer, James Peden, Mary C. Woolridge, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Judy Green

Further discussion included the following:

- Section 95. 04 – Determination of Reportable Quantities
  - MSD is the Administrating Agency
  - Reportable quantities are based on the nature of the chemical
  - Mixture or solution that includes a hazardous material - May not have to be reported. It is according to the quantity of the hazardous material because it is diluted
  - SARA "RQ" list – Superfund Amendments and Reauthorization Act which is a Federal law. "RQ" means Reportable Quantity

Motion to amend the ordinance as follows was made by Kelly Downard and seconded by Mary Woolridge.

- Section 95. 04 – Determination of Reportable Quantities
  - ~~(H)(G)~~ SARA "RQ" list. A substance designated an extremely hazardous substance pursuant to Section 302(a) of the SARA of 1986 shall have the reportable quantity as set by the act under Section 304(a)(2). ~~If the reportable quantity under the federal act differs from the RQ listed for the same substance in Appendix A to this ordinance, the lowest RQ shall be the reportable quantity.~~

By unanimous vote, the amendment passed.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Kelly Downard, Barbara Shanklin, Kevin Kramer, James Peden, Mary C. Woolridge, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Judy Green

Motion to approve Section 95.05 as is, was made by Madonna Flood and seconded by Mary C. Woolridge.

By unanimous vote, the motion to approve Section 95.05 as is passed.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Kelly Downard, Barbara Shanklin, Kevin Kramer, James Peden, Mary C. Woolridge, Madonna Flood

Against: (None)

Abstain: (None)  
Absent: Judy Green

Further discussion included the following:

- Section 95.06 – Determination of Reportable Quantities
  - Reporting requirements
  - Notice and reporting requirements - Notice to 911 along with other notifications required by this Chapter, or other laws or regulations
  - Air releases
    - List of hazardous materials and where they are kept should be available upon request at any time to MSD and responding agencies
    - Employees already have the right to view the list by Federal Act (Environmental Planning and Community Right to Know Act)
      - Should have under all hazardous materials

CM Woolridge left the meeting at 5:38 P.M. By unanimous vote, the amendment passed.

Motion to amend this ordinance as follows was made by James Peden and seconded by Kelly Downard

- Section 95.06 – Determination of Reportable Quantities
  - (A) Notice upon discovery.
    - (1) Whenever a hazardous material incident occurs ~~release~~ (other than an authorized release) ~~of any hazardous material in a reportable quantity occurs on any facilities of any kind, the person party in charge (or a responding agency fire, police, or emergency medical service personnel) upon discovery or confirmation of such release hazardous materials incident shall immediately cause notice of the existence for of such release hazardous materials incident, the circumstances of same, and the location thereof to be given via by telephoning "911." to the Fire Communications Bureau.~~
      - (a) Such notice is required when the circumstances and conditions on site are such that the individuals enumerated above either knew, or should have known that a release hazardous materials incident occurred.
  - ~~(C)(B)~~ Duty to control ~~release hazardous materials incident.~~ The requirements of this section shall not be construed to forbid any person party on or about the facilities from using all diligence necessary to control such ~~release hazardous materials incident~~ prior to the notification ~~to the Fire Communications Bureau via "911,"~~ especially if such efforts may result in the containment of the ~~release hazardous materials incident~~ and/or the abatement of extreme hazard to the employees ~~of or~~ the general public. Delays in reporting ~~releases hazardous materials incidents~~ due to in-house notification of off-site owners/supervisors shall not be acceptable and may result in penalties.
  - ~~(D)(C)~~ Air releases.
    - (2) In order to insure compliance with the notice requirement of subsection ~~95.06(A)~~ 95.07(A), any person party required to prepare and submit an HMPC Plan for a facility, pursuant to Section 95.07, who possesses or stores at such facility hazardous materials that are a gas at standard temperature and pressure in quantities equal to or greater than the reportable quantity, shall maintain at the facility a list of such materials. Any person party required to maintain a list pursuant to this section may, in lieu thereof, incorporate such list in its HMPC Plan. Any list maintained pursuant to this section shall, upon request, be made available at the facility to representatives of the administering agency and any responding agency at the time of a Hazardous Materials Incident.

By unanimous vote, the amendment passed.

VOTING RESULTS: For: 5; Against: 0; Abstain: 0; Absent: 2

For: Kelly Downard, Barbara Shanklin, Kevin Kramer, James Peden, Mary C. Woolridge, Madonna Flood  
Against: (None)

Abstain: (None)

Absent: Judy Green, Mary C. Woolridge

Further Discussion included the following:

- Section 95.07 – Hazardous Materials Use and Spill Prevention Control Plan
  - Temporary construction sites
  - Exemptions from HMPC file planning
    - Retail sales that deal in bulk storage the needs to be repackaged for sale unless in reportable quantities
    - Liquor Stores
  - Review and Approval of the HMPC Plans
  - Requirements for an HMPC Plan

Motion to table was made by James Peden and seconded by Kelly Downard.

By unanimous vote, this item was **Tabled**.

VOTING RESULTS: For: 5; Against: 0; Abstain: 0; Absent: 2

For: Kelly Downard, Barbara Shanklin, Kevin Kramer, James Peden, Mary C. Woolridge, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Judy Green, Mary C. Woolridge

The Committee will start with 95.07 I (HMPC plans) at the next meeting.

O-121-05-07 AN ORDINANCE AMENDING SECTION 91.072 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES ("CODE") PERTAINING TO THE QUARANTINE OF ANIMALS.

**Status:** In Committee - Tabled

**Committee:** Public Safety

**Primary Sponsor:** Glen Stuckel

**Discussion:** This item remained **Tabled**.

**Public Safety Agenda View Only**

Motion to Adjourn was made by James Peden.

**\*NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting June 14, 2007.**

**Without objection the meeting adjourned at 6:10 p.m.**

**KQG**